

Notice of Allowability

Application No.	Applicant(s)	
10/788,864	BOLIND ET AL.	
Examiner	Art Unit	
Tony G. Soohoo	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 11-21-2005.
2. The allowed claim(s) is/are 1-38.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Hoffman on 2-3-2006.

The application has been amended as follows:

IN THE CLAIMS:

Rewrite claim 1 as follows:

1. (currently amended)

An agitation mechanism for a gypsum processing apparatus comprising:

a housing having a top wall, a bottom wall, [and] at least one sidewall, and a support base above and adjacent the bottom wall, the housing constructed and arranged to receive and process powdered gypsum;

a fluidization mechanism for [delivering] introducing fluid to the gypsum based product, the fluid traversing from near the bottom wall toward the top wall; and

an agitator frame having a similarly shaped cross section to a cross section of the housing, the agitator frame pivotally connected internally to the housing for reciprocating movement between first and second positions, the agitation mechanism

operable for preventing the fluidized gypsum product from collecting along [a] the support base adjacent the bottom wall of the housing.

Rewrite claim 19 as follows:

19. (currently amended) An agitation mechanism for a fluidized gypsum processing apparatus comprising:

a housing having a top wall, a bottom wall, and at least one sidewall, the housing constructed and arranged to receive and process gypsum based products;

a fluidization mechanism for [delivering] introducing fluid to the gypsum based product, the fluid traversing from near the bottom wall toward the top wall;

an agitator frame pivotally connected internally to the housing for reciprocating movement between first and second positions, the agitation mechanism operable for preventing fluid channeling, dead pockets of non fluidized gypsum, and for preventing the gypsum product from collecting adjacent the bottom wall of the housing; and

at least one pivotable support arm for pivotally connecting the agitator frame to the apparatus, wherein the at least one pivotable support arm is a cable pivotally attached internally to the housing at one end and to the frame at the other end, the agitator frame being operable for swinging about a pivot axis when motion is imparted thereto.

Rewrite claim 35 as follows:

35. (currently amended) A method for agitating a gypsum based material comprising

the steps of:

providing a housing having a bottom wall for processing the gypsum material;
transferring the material from a source to the apparatus;
fluidizing the material by flowing fluid through the material; and
agitating the fluidized material with an agitation mechanism having a cross section of generally similar shape to a cross section of the housing and that is reciprocally movable between first and second positions adjacent the bottom wall.

The amendment was initiated by the examiner in order to provide point out clarify the structural feature of the support base relative in the container, and further point out structural feature and positive operation of the device element of the fluidization mechanism in the introduction of the fluid to traverse near the bottom wall toward the top wall in the combination of the elements as recited in claims 1 and 19. The amendment to the method claim 35 was made to distinguish and clarify the operational movement of the agitation mechanism along the bottom wall.

2. The following is an examiner's statement of reasons for allowance:

The apparatus claims distinguish over the prior art whereby the apparatus requires a fluidization mechanism for introducing fluid traversing from near the bottom

wall toward the top wall to the gypsum based product, and an agitator frame pivotally connected internally to the housing for reciprocating movement between first and second positions, the agitation mechanism operable for preventing fluid channeling, dead pockets of non fluidized gypsum, and for preventing the gypsum product from collecting near the portion of the housing bottom wall or a material support base of the housing. The closest prior art is the previously cited reference to Rowland et al 5743954, figure 8, or Cloud et al 5954497, having steps of utilizing a rotating blade about a fluidized gypsum provided by a fluidizer plenum in the bottom of the housing. Other pertinent prior art such as Snow 137496 or Moulton 621934. disclose reciprocating pivoted agitator frames with openings to provide fluid or material into the housing, however does not show or render obvious a fluidization mechanism for introducing fluid traversing from near the bottom wall toward the top wall to the gypsum based product.

The method claims distinguish whereby in the art of a method of agitating gypsum material, the prior art fails to show or render obvious steps of further agitating the fluidized gypsum material with an agitation mechanism having a cross section generally similar shape to a cross section of the housing and moving the agitation mechanism reciprocally between two positions adjacent the bottom wall. The closest prior art is the previously cited reference to Rowland et al 5743954, figure 8, or Cloud et al 5954497, having steps of utilizing a long agitator blade in rotation about a fluidized gypsum provided by a fluidizer plenum in the bottom of the housing or from openings in the agitator.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM,Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tony G Soohoo
Primary Examiner
Art Unit 1723
